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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,995	10/17/2001	Seiji Mochizuki	Q66786	4504

7590 01/17/2003
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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Washington, DC 20037-3213

EXAMINER

TRAN, LY T

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,995

Examiner

Ly T TRAN

Applicant(s)

MOCHIZUKI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-27 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 8-18 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childers et al. (EP 854 045) in view of Siwinski et al. (US 2002/0015066)

With respect to claims 1, 10, 17, and 21-23, Childers et al. discloses an ink bag/a container comprising:

- A flexible bag body, which is deformable in accordance with consumption of the ink and detachably provided in the recording apparatus (Fig.3: element 14, Column 3: line 42-45, Column 2: line 53-54)
- An ink supply port (Fig.3)

With respect to claims 11 and 20, Childers et al discloses that ink bag is provided on an outer surface of the bag body which directs downward (Fig.3)

With respect to claim 9, Childers et al. discloses the memory is places in the vicinity of the ink supply port (Fig.3)

With respect to claims 13, 24 and 26, Childers et al. discloses a cartridge casing, which houses the ink bag (Fig.3: element 16) and a chamber section, which house the cartridge casing (Fig.3: element 40).

With respect to claims 14, 25 and 27, Childers et al. discloses the cartridge casing is formed with an aperture through which the data communication between the memory and the data communicator is conducted (Fig.3: element 70)

With respect to claim 15, Childers et al. discloses that the cartridge casing is formed with an outlet to which the ink supply port of the ink bag is secured (Fig.3: element 66).

With respect to claim 18, Childers et al. discloses the memory (20) is placed on an outer peripheral portion of the bag body (Fig.3).

With respect to claims 8, 12 and 16, Childers et al. discloses the memory stores data indicating an amount of ink remaining (Column 4: line 45-49).

However, Childers et al. fails to teach a non-contact memory is provided on the bag body.

Siwinski et al teaches a non-contact memory is provided on the removable consumable package (Fig.2: element 54a-54d).

It would have been obvious to one having ordinary skill in the art at the time the invention was made with a non-contact memory is provided on the bag body as taught by Siwinski et al. The motivation of doing so is prevent a potential source for problem such as to break, collect dirt, corrode or become misaligned (Siwinski et al. US 2002/0015066; Column 1: [0005]: line 14-19) and usage information is retained when a

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consumable item be moved from one ink jet to another (Siwinski et al. US 2002/0015066; Column 3: [1122]: line 1-8)

2. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childers et al. (EP 854 045) in view of Siwinski et al (US 2002/0015066) as applied to claims 1 and 17 above, and further in view of Yamaguchi et al. (USPN 5,950,403).

The combination of Childers et al. and Siwinski et al fails to teach the bag body includes a first part having a first flexibility and a second part having a second flexibility, which is lower than the first flexibility and the outer peripheral portion of the bag body is formed by heat-welding outer peripheral portion of flexible sheet members.

Yamaguchi et al. teach the bag body includes a first part having a first flexibility and a second part having a second flexibility, which is lower than the first flexibility (Fig1: element 1, 6, Column 3: line 11-30) the outer peripheral portion of the bag body is formed by heat-welding outer peripheral portion of flexible sheet members (Column 3: line 21-24)

It would have been obvious to one having ordinary skill in the art at the time the invention was made with having first flexibility part and a second flexibility part, which is lower than the first flexibility part when welding the ink bag. The motivation of doing so is to seal the ink bag.

Allowable Subject Matter

3. Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-5 appear to be allowable over prior art of record because at least the prior art have not been found to anticipate or teach or suggest the memory IC is provided in the second part of the bag body.

Claims 6-7 appear to be allowable over prior art of record because at least the prior art have not been found to anticipate or teach or suggest the memory IC is provided in the first part of the bag body.

Response to Arguments

4. Applicant's arguments filed 12/18/02 have been fully considered but they are not persuasive.

Applicant's argument that the combination of Childers and Siwinski fails to teach a non-contact memory IC provided on a bag body because the combining Childers with Siwinski does not teach the ink bag could be removed or replaced is not persuasive because refer to [0022], Siwinski teaches the removable consumable package (Fig. 1: element 14a-d) with the transporter (Fig. 1: element 54a-d) is integrally attached to or disposed within the removable consumable package so when a consumable item be moved from one ink jet printer to another, the usage information is retained. In addition, even Siwinski et al does not teach the removable consumable 14a-14d are flexible bag,

the transponder 54a-54d are provided on 14a-14d, they are equivalent to the non-contact memory IC provided on the bag because they both provide the same purpose to store the information relating to the ink remaining. Therefore, combination of Childers and Siwinski meets the limitation of the claim.

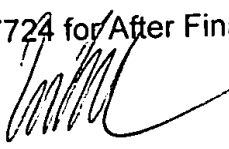
Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 703-308-0752. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.


ANH T.N. VO
PRIMARY EXAMINER

01/09/03